

**FINDINGS OF CONFORMANCE
MULTIPLE SPECIES CONSERVATION PROGRAM
For Dictionary Hill Rezone
3600 08-002, 08-0092318, ER 08-19-003**

June 21, 2010

I. Introduction

The project is a Rezone to change standard setback requirements from 60 feet to 50 feet and interior side yard setbacks from 15 feet to 5 feet on nine existing lots approximately 3,500 square feet in size. The project proposes single-family residential homes on 8 of the existing lots. The project site is located at Maria and San Carlos Street in the Spring Valley Community Planning area. The sites are currently undeveloped. Access would be provided by Maria and La Presa Avenue which both connect to San Carlos Street. The project also includes offsite road improvements to Maria Avenue and La Presa Avenue. A portion of the project site (4 lots) must also annex into the Spring Valley Sanitation District.

According to the Biological Resources Report prepared by Vincent N. Scheidt (May 2010), the proposed project development will result in impacts to a minimum of 44 specimens of coast barrel cactus (*Ferocactus viridescens*), a County List B sensitive plant; San Diego County viguiera (*Viguiera laciniata*), a List D sensitive plant; San Diego County needle grass (*Achnatherum diegoensis*), a List D sensitive plant; and 0.31 acre of coastal sage scrub. A pair of gnatcatchers was observed foraging near the southern end of the property and offsite to the south. San Diego cactus wren and Bewick's wren were observed on the property in 1990 but not in the current survey. The properties are located within the Unincorporated Land in the Metro Lakeside-Jamul Segment of the Multiple Species Conservation Program (MSCP). Adjacent land immediately south of the properties is open space within the vicinity of the Sweetwater Reservoir.

The project would include 100 percent impact to the properties and would require the transplantation of the coast barrel cactus. The transplantation of coast barrel cactus does not satisfy the avoidance requirement of species-based mitigation for Group B plant species in the Biological Mitigation Ordinance (SEC 86.507(b)), since avoidance of the coast barrel cactus onsite is not feasible. Onsite conservation is unsuitable for biological resources due to the small size of each of the existing lots, the distribution of coast barrel cactus, density of existing development to the north and west, and existing onsite disturbances.

Table 1. Impacts to Habitat and Required Mitigation

Habitat Type	Tier Level	Existing On-site (ac.)	Proposed Impacts (ac.)	Mitigation Ratio	Required Mitigation
Diegan coastal sage scrub	Tier II	0.25	0.31	1:1	0.31
Disturbed	Tier IV	0.91	n/a	--	--
Developed	Tier IV	0.40	n/a	--	--

Total:	--	1.56	0.25	--	0.31
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The findings contained within this document are based on County records, staff field site visits and the Biological Resources Report prepared by Vincent N. Scheidt June 18, 2010. The information contained within these Findings is correct to the best of staff's knowledge at the time the findings were completed. Any subsequent environmental review completed due to changes in the proposed project or changes in circumstance shall need to have new findings completed based on the environmental conditions at that time.

The project has been found to conform to the County's Multiple Species Conservation Program (MSCP) Subarea Plan, the Biological Mitigation Ordinance (BMO) and the Implementation Agreement between the County of San Diego, the CA Department of Fish and Game and the US Fish and Wildlife Service. Third Party Beneficiary Status and the associated take authorization for incidental impacts to sensitive species (pursuant to the County's Section 10 Permit under the Endangered Species Act) shall be conveyed only after the project has been approved by the County, these MSCP Findings are adopted by the hearing body and all MSCP-related conditions placed on the project have been satisfied.

II. Biological Resource Core Area Determination

The impact area and the mitigation site shall be evaluated to determine if either or both sites qualify as a Biological Resource Core Area (BRCA) pursuant to the BMO, Section 86.506(a)(1).

A. Report the factual determination as to whether the proposed Impact Area qualifies as a BRCA. The Impact Area shall refer only to that area within which project-related disturbance is proposed, including any on and/or off-site impacts.

The Impact Area does not qualify as a BRCA since it does not meet any of the following BRCA criteria:

i. The land is shown as Pre-Approved Mitigation Area on the wildlife agencies' Pre-Approved Mitigation Area map.

The land is not shown as PAMA.

ii. The land is located within an area of habitat that contains biological resources that support or contribute to the long-term survival of sensitive species and is adjacent or contiguous to preserved habitat that is within the Pre-Approved Mitigation Area on the wildlife agencies' Pre-Approved Mitigation Area map.

The land is not adjacent to preserved habitat within PAMA.

iii. The land is part of a regional linkage/corridor. A regional linkage/corridor is either:

- a. Land that contains topography that serves to allow for the movement of all sizes of wildlife, including large animals on a regional scale; and contains adequate vegetation cover providing visual continuity so as to encourage the use of the corridor by wildlife; or**
- b. Land that has been identified as the primary linkage/corridor between the northern and southern regional populations of the California gnatcatcher in the population viability analysis for the California gnatcatcher, MSCP Resource Document Volume II, Appendix A-7 (Attachment I of the BMO.)**

The land does not contain topography that allows the movement of wildlife on a regional scale and is not a primary north/south gnatcatcher linkage.

iv. The land is shown on the Habitat Evaluation Map (Attachment J to the BMO) as very high or high and links significant blocks of habitat, except that land which is isolated or links small, isolated patches of habitat and land that has been affected by existing development to create adverse edge effects shall not qualify as BRCA.

Although a portion of the site is mapped as very high habitat value, it is surrounded on two sides by development and does not link significant blocks of habitat.

v. The land consists of or is within a block of habitat greater than 500 acres in area of diverse and undisturbed habitat that contributes to the conservation of sensitive species.

Although a significant expanse of open space occurs to the south of the project site, the open space is not made up of undisturbed habitat.

vi. The land contains a high number of sensitive species and is adjacent or contiguous to surrounding undisturbed habitats, or contains soil derived from the following geologic formations which are known to support sensitive species:

- a. Gabbroic rock;**
- b. Metavolcanic rock;**
- c. Clay;**
- d. Coastal sandstone**

The land contains only a moderate number of sensitive species, and the soil is Huerhuero-Urban land complex, 9 to 30 percent slopes.

B. Report the factual determination as to whether the Mitigation Site qualifies as a BRCA.

Mitigation will occur in a County-approved mitigation bank within the South County Subarea. All County-approved mitigation banks qualify as BRCAs.

III. Biological Mitigation Ordinance Findings

A. Project Design Criteria (Section 86.505(a))

The following findings in support of Project Design Criteria, including Attachments G and H (if applicable), must be completed for all projects that propose impacts to Critical Populations of Sensitive Plant Species (Attachment C), Significant Populations of Narrow Endemic Animal Species (Attachment D), Narrow Endemic Plant Species (Attachment E) or Sensitive Plants (San Diego County Rare Plant List) or proposes impacts within a Biological Resource Core Area.

1. Project development shall be sited in areas to minimize impact to habitat.

Because of the small size of the existing lots, it is not possible to avoid any of the on-site habitat. Habitat mitigation will occur off-site in an approved mitigation bank.

2. Clustering to the maximum extent permitted by County regulations shall be considered where necessary as a means of achieving avoidance.

Because of the small size of the existing lots, it is not possible to avoid any of the on-site habitat through clustering. Habitat mitigation will occur off-site in an approved mitigation bank.

3. Notwithstanding the requirements of the slope encroachment regulations contained within the Resource Protection Ordinance, effective October 10, 1991, projects shall be allowed to utilize design that may encroach into steep slopes to avoid impacts to habitat.

The project site does not include steep slopes.

4. The County shall consider reduction in road standards to the maximum extent consistent with public safety considerations.

The proposed road improvements are the minimum required for public safety.

5. Projects shall be required to comply with applicable design criteria in the County MSCP Subarea Plan, attached hereto as Attachment G (Preserve Design Criteria) and Attachment H (Design Criteria for Linkages and Corridors).

Compliance with Attachment G is not required because the site is not located within PAMA. Compliance with Attachment H is not required because the site is not located within a regional linkage and does not support local wildlife corridors.

IV. Subarea Plan Findings

Conformance with the objectives of the County Subarea Plan is demonstrated by the following findings:

- 1. The project will not conflict with the no-net-loss-of-wetlands standard in satisfying State and Federal wetland goals and policies.**

The project site does not contain any wetlands, so there will be no net loss of wetlands as a result of the proposed project.

- 2. The project includes measures to maximize the habitat structural diversity of conserved habitat areas including conservation of unique habitats and habitat features.**

The project maximizes the habitat structural diversity of conserved habitat areas by providing off-site habitat mitigation and translocation of coast barrel cactus.

- 3. The project provides for conservation of spatially representative examples of extensive patches of Coastal sage scrub and other habitat types that were ranked as having high and very high biological values by the MSCP habitat evaluation model.**

Because of the small size of the existing lots, it is not possible to conserve spatially representative examples of extensive patches of Coastal sage scrub and other high value habitat types on the project site. Habitat mitigation will occur off-site in an approved mitigation bank.

- 4. The project provides for the creation of significant blocks of habitat to reduce edge effects and maximize the ratio of surface area to the perimeter of conserved habitats.**

Because of the small size of the existing lots, it is not possible to create significant blocks of habitat on-site. Habitat mitigation will occur off-site in an approved mitigation bank, which provides for significant blocks of habitat.

- 5. The project provides for the development of the least sensitive habitat areas.**

Because of the small size of the existing lots, the entire site will be developed.

- 6. The project provides for the conservation of key regional populations of covered species, and representations of sensitive habitats and their geographic sub-associations in biologically functioning units.**

The project site does not support key regional populations of covered species, and only supports a small area of sensitive habitat. Habitat mitigation will occur off-site in an approved mitigation bank, which will provide for the conservation of key

regional populations of covered species, and representations of sensitive habitats and their geographic sub associations in biologically functioning units.

- 7. Conserves large interconnecting blocks of habitat that contribute to the preservation of wide-ranging species such as Mule deer, Golden eagle, and predators as appropriate. Special emphasis will be placed on conserving adequate foraging habitat near Golden eagle nest sites.**

The project site is too small and close to developed areas to support wide-ranging species or Golden eagle. Habitat mitigation will occur off-site in an approved mitigation bank.

- 8. All projects within the San Diego County Subarea Plan shall conserve identified critical populations and narrow endemics to the levels specified in the Subarea Plan. These levels are generally no impact to the critical populations and no more than 20 percent loss of narrow endemics and specified rare and endangered plants.**

Although the project site does not support critical populations or narrow endemics, it does support coast barrel cactus, a County group B sensitive plant species. Coast barrel cactus is located on three of the lots in the southeastern portion of the project site, and off-site to the south and east. Ordinarily, at least 80 percent of the on-site population would be avoided by shifting lot lines and home locations, but in this case the lot lines are already established and the lots are so small that when setbacks are taken into account, home locations can't be moved. In addition, the fire clearing requirement is 75 feet. If a 75 foot Limited Building Zone were placed surrounding the coast barrel cactus, it would eliminate every proposed home site except one. Therefore, it is not possible to avoid impacts to coast barrel cactus. Instead of on-site avoidance, all of the coast barrel cactus in the impact area will be transplanted to the Otay Water District's San Miguel Habitat Mitigation Area (HMA), according to a Salvage and Translocation Plan that includes monitoring and maintenance for 5 years to ensure an 80% success rate. The translocation plan also includes seed collection from the site and hand planting around the transplanted specimens.

- 9. No project shall be approved which will jeopardize the possible or probable assembly of a preserve system within the Subarea Plan.**

The project will not jeopardize the possible or probable assembly of a preserve system because the project site is not located in a PAMA and does not link large blocks of habitat. The project will contribute to preserve assembly by providing off-site habitat mitigation in an approved mitigation bank.

- 10. All projects that propose to count on-site preservation toward their mitigation responsibility must include provisions to reduce edge effects.**

The project does not count on-site preservation toward mitigation responsibility.

11. Every effort has been made to avoid impacts to BRCAs, to sensitive resources, and to specific sensitive species as defined in the BMO.

The project site is not located in a BRCA, and sensitive species avoidance is not possible because of the small size of the existing lots. In order to minimize impacts to the south of the project site, the southwestern-most lot would be surrounded by a fire barrier wall, eliminating the need for off-site fire clearing to the southwest. The southeastern-most lot would be used for fire clearing only, with no structures proposed, so that the majority of the fire clearing could occur within the project site, with only 30 feet of fire clearing extending off-site to the south. Impacts to coastal sage scrub, San Diego County viguiera, and San Diego County needle grass will be mitigated through off-site habitat preservation in an approved mitigation bank, and impacts to barrel cactus will be mitigated through translocation to the San Miguel HMA, which is conserved land that will be protected in perpetuity. The HMA has been used for cactus transplantation before, and the potential replanting areas already support coast barrel cactus. Given the small size of the existing lots, on-site preservation of habitat and sensitive species is not possible, and off-site mitigation and translocation will provide the most value to sensitive habitat and species.

Beth Ehsan, Department of Planning and Land Use
June 21, 2010

MSCP Designation For Dictionary Hill Rezone 3600 08-002, ER 08-19-003

